

## In The United States Patent And Trademark Office

In re New Patent Application of:  
**Offord, R.E. *et al.***

Serial No.: 09/678,851

Filed: October 4, 2000

For: **N-Terminal Modification of  
RANTES and Methods of Use**

Examiner: Celsa, B.

Art Unit: 1639

Atty. Dkt.: 3504.246 GRFN 026/04-US

### Terminal Disclaimer to Obviate a Double Patenting Rejection Under 37 C.F.R. § 1.321(c)

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, (Name of disclaimant) **James A. Bradburne**, represent that I am a representative authorized to sign on behalf of the assignee of the above-captioned patent application.

(Name of assignee) **Gryphon Therapeutics, Inc.**  
(Address of assignee) **600 Gateway Blvd.**  
**South San Francisco, CA 94080-7014**  
(Title of disclaimant) **Executive Vice-President**

### Certificate Under 37 C.F.R. § 3.73(b)

**Gryphon Therapeutics, Inc.** is the owner of the entire right, title, and interest in U.S. Patent Application Serial No. **09/678,851** by virtue of an assignment from the inventors to **Gryphon Sciences** recorded at the United States Patent & Trademark Office on 26 April 2001, at Reel 011753, Frame 0327, and by virtue of an assignment from **Gryphon Sciences** to **Gryphon Therapeutics, Inc.**, recorded at the United States Patent & Trademark Office on 13 May 2003, at Reel 014074, Frame 0965.

*Case applied only*

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**Gryphon Therapeutics, Inc.** is the owner of the entire right, title, and interest of the U.S. Patent No. 6,168,784, by virtue of an assignment of rights to U.S. Patent Application Serial No. 09/141,833 recorded at the United States Patent & Trademark Office on 16 November 1998, at Reel 009579, Frame 0536, and by virtue of an assignment from **Gryphon Sciences** to **Gryphon Therapeutics, Inc.**, recorded at the United States Patent & Trademark Office on 13 May 2003, at Reel 014074, Frame 0965.

### **Disclaimer**

**Gryphon Therapeutics, Inc.** hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on U.S. Patent Application Serial No. 09/678,851 that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and § 173 of U.S. Patent No. 6,168,784, as shortened by any terminal disclaimer filed prior to the grant of such patents.

**Gryphon Therapeutics, Inc.** hereby agrees that any patent granted on U.S. Patent Application Serial No. 09/678,851, and on U.S. Patent No. 6,168,784 shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 6,168,784. This agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. § 154 and § 173 of U.S. Patent No. 6,168,784, as shortened by any terminal disclaimer filed prior to the grant of such patents, in the event that U.S. Patent No. 6,168,784: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior

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**This disclaimer is accompanied by the fee set forth in 37 C.F.R. § 1.20(d).**

I, **James A. Bradburne**, hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



James A. Bradburne  
Executive Vice-President  
Gryphon Therapeutics, Inc.

Date: 6/1/04

### **Introductory Comments**

This Reply has been formatted in attempted compliance with the revised provisions of 37 CFR 1.121. There are no requested Amendments to the Specification or to the Claims.

No fee, other than those provided for on the accompanying Fee Transmittal Form are believed to be due in order for the timely consideration of this Reply. If, however, the Commissioner determines that such a fee is required, then the Commissioner is authorized to charge any (Large Entity) fee required for consideration of this submission to Deposit Account 50-0548.